

## APPENDIX 1<sup>1</sup>

### Exhibits That Were Not Incorporated By Reference in the RKS Amendment

Exhibit Number and Document Title	Identified Usage in the RKS Amendment	Reason for Objection
Exhibit 4: 2015 Form 10-K	¶¶ 373, 377, 421	<p>The 2015 Form 10-K is not “refer[enced] extensively” in the 673-paragraph RKS Amendment (three identified references), and review of the document is not required to “assess[] the sufficiency of” the RKS Amendment. <i>Khoja v. Orexigen Therapeutics, Inc.</i>, 899 F.3d 988, 1002 (9th Cir. 2018).</p> <p>Although Paragraph 421 of the RKS Amendment quotes the 2015 Form 10-K’s internal disclosure control statement, the 2015 Form 10-K is not necessary to “assess[] the sufficiency of” the RKS Amendment because PG&amp;E does not argue that the statement was not made. <i>Khoja</i>, 899 F.3d at 1002.</p>
Exhibit 5: 2016 Form 10-K	¶¶ 373, 377, 380, 383, 385, 422	<p>The 2016 Form 10-K is not “refer[enced] extensively” in the 673-paragraph RKS Amendment (six identified references, half of which are glancing references without quotation).</p> <p>Like with Exhibit 4, when the document is quoted, consideration of the entire document is not necessary to “assess[] the sufficiency of” the RKS Amendment because PG&amp;E does not argue that the statement was not made. <i>Khoja</i>, 899 F.3d at 1002.</p>
Exhibit 7: Q1 2015 Form 10-Q	¶ 423	Same as Exhibit 4, except that PG&E identifies one reference.
Exhibit 8: Q1 2016 Form 10-Q	¶ 423	Same as Exhibit 4, except that PG&E identifies one reference.
Exhibit 9: Q3 2016 Form 10-Q	¶ 423	Same as Exhibit 4, except that PG&E identifies one reference.
Exhibit 11: May 31, 2017 Form 8-K	¶ 450	Same as Exhibit 4, except that PG&E identifies one reference.

<sup>1</sup> Capitalized terms not otherwise defined herein retain their meanings as set forth in PG&E’s Omnibus Objection.

Exhibit Number and Document Title	Identified Usage in the RKS Amendment	Reason for Objection
Exhibit 13: Nov. 2, 2017 Form 8-K	¶ 283	The Nov. 2, 2017 Form 8-K is not quoted at all in Paragraph 283 of the RKS Amendment. It therefore does not form the basis of the RKS Amendment, and should not be considered.
Exhibit 16: June 11, 2018 Form 8-K	¶ 470	Same as Exhibit 4, except that PG&E identifies one reference.
Exhibit 19: Feb. 24, 2016 Pro. Supp.	¶ 373	Same as Exhibit 4, except that PG&E identifies one reference.
Exhibit 20: Nov. 29, 2016 Pro. Supp.	¶ 373	Same as Exhibit 4, except that PG&E identifies one reference.
Exhibit 21: Mar. 7, 2017 Pro. Supp.	¶ 373	Same as Exhibit 4, except that PG&E identifies one reference.
Exhibit 22: Apr. 13, 2018 S-3	¶ 373	Same as Exhibit 4, except that PG&E identifies one reference.
Exhibit 24: ESRB-4	¶ 320	<p>ESRB-4 is not quoted at all in Paragraph 320 of the RKS Amendment. The paragraph quotes a May 25, 2018 press release that mentions ESRB-4. The glancing reference to ESRB-4 does not constitute incorporation by reference and review of the entirety of ESRB-4 is not required to assess the sufficiency of the RKS Amendment.</p> <p>To incorporate documents merely referenced not by the complaint itself but instead by yet another document for which movant seeks incorporation by reference hazards an open door to the creation of a massive record on a motion to dismiss, far afield from the rule to look at the four corners of the pleadings.</p>
Exhibit 78: News Release, Cal Fire, <i>CAL FIRE Investigators Determine the Cause of the Cascade Fire</i> (Oct. 9, 2018)	¶¶ 42, 353	Same as Exhibit 4, except that PG&E identifies two references.
Exhibit 82: Gabbard Testimony	¶ 346	Same as Exhibit 4, except that PG&E identifies one reference.
Exhibit 83: Tsang Testimony	¶ 349	Same as Exhibit 4, except that PG&E identifies one reference.

Exhibit Number and Document Title	Identified Usage in the RKS Amendment	Reason for Objection
Exhibit 84: Press Release, State of California, <i>Governor Brown Declares Drought State of Emergency</i> (Jan. 17, 2014) (“Jan. 17, 2014 Drought Press Release”)	¶ 320	The Jan. 17, 2014 Drought Press Release is not quoted at all in Paragraph 320 of the RKS Amendment.  Same as Exhibit 24.
Exhibit 105: Facts About PG&E’s Wildfire and Prevention Safety Efforts	¶ 298	Same as Exhibit 4, except that PG&E identifies one reference.
Exhibit 106: Nov. 2018 Tweet	¶¶ 179, 366, 480	Same as Exhibit 4, except that PG&E identifies three references.
Exhibit 107: Press Release, PG&E, <i>In Advance of 2018 Wildfire Season, PG&amp;E Takes Action with Comprehensive Community Wildfire Safety Program</i> (March 22, 2018)	¶¶ 32, 306	Same as Exhibit 4, except that PG&E identifies two references.

Insofar as the Court determines, in its discretion, to consider any document beyond the pleadings (and it should not do so), the RKS Claimants do not oppose the consideration – under the doctrine of incorporation by reference – of Exhibits 6, 12, 15, 18, 25, 26, 27, 28, 29, 76, 77, 80, 86, 87, 95, 96, 98, 99, and 108; further, if the Court determines to consider any documents beyond the pleadings under incorporation by reference, the January 9, 2017 Sentencing Memorandum is incorporated by reference in the RKS Amendment and is properly considered.